IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. ...../122...../2001

PETITIONER : 1. M/S. Jagdish Construction Pvt. Limited., A duly incorporated Company under the provisions of the Indian Company's Act, 1956 having its registered Office at 8, Shastri Nagar, Neemuch (MP)

Through the Power of Attorney holder Shri Sushil Kumar Agrawal, B-4, Commercial Complex, T.P.Nagar. Korba (Chhattisgarh)

2. Shri Suhsil Kumar Agrawal, S/o. Late Shri S.K. Agrawal aged about 34 yrs, B-4, Commercial Complex, T.P. Nagar, Korba, Chh.,

VERSUS

RESPONDENT : Bharat Aluminium Company Limited (BALCO), A Govt. of India Enterprise, Korba, Chhattisgarh.

Through the Asstt. General Manager, (Contracts), Balco, Korba, Chh.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT/WRITS DIRECTION/DIRECTIONS AND ORDER/ORDERS.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(94)

आदेश पत्रक

W.P. 177/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	5.3.2001 : Mr. R.S.Jaiswal for the petitioners. Mr. P.S.Nair, learned counsel for the respondents. In the pleadings certain facts are controverted regarding the fact that petitioner actually went to the office of the respondents and inquired about tender papers which however were not issued to the petitioner. According to the petitioners tender papers have been submitted by four persons. It is submitted that it is not a case where many people wanted to submit the papers after the last date of submission of papers. Mr. Nair expressed some apprehension that once the tender papers ~~are~~ not issued to the petitioner are allowed to be accepted by the respondents, it will open the flood gate. In my view this should not happen in as much as this petitioner is approaching this court specifically for raising a grievance to get the tender papers. Who is to be selected, ~~is only after~~ ultimately is the duty of the competent authority. However, specific prayer made on behalf of the petitioner is that he should be allowed to submit tender papers so that he has also an opportunity to compete ... other contractors. It is submitted by Mr.Jaiswal tha fact petitioner has also done some work of the respona	

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	.2. आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in the past.

Mr. Nair submits that matter involves certain disputed facts and therefore, this court may not enter into the issues of disputed facts. It is also further submitted that ~~State~~ nature of **BALCO** has also undergone a change and it is no longer a State which is emenable to the writ jurisdiction.

Be that as it may, since the tender papers have been invited before this present change came about as regards state of BALCO and since specific plea has been taken that since the petitioner is interested to compete with the other contractors, it appears that no prejudice as such would be caused if tender papers are issued to this writ petitioner that he may ~~xxx~~ have an opportunity of competing with other eligible contractors.

After hearing learned counsel for the parties I am of the opinion that it will be just and fair if the petition is disposed of as follows :-

i) The petitioner shall be allowed to submit the tender papers. In ~~xxxxx~~ order to do so, the respondents shall issue necessary tender papers to the petitioner by 8.3.2001.

ii) Tender papers be submitted by 20.3.2001. Thereafter, the tender papers of all the tenderers shall be opened on a certain date to be determined by the respondents.

This order shall be operative only inrespect of ~~x~~ the petitioner.

~~C.c. today.~~

GRPRJ--FS/311—1/2001—50,000.

Sd/-
Chief Justice